
Appeal Decision

Site visit made on 29 June 2017

by Gareth W Thomas BSc(Hons) MSc(Dist) PGDip MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 6th July 2017

Appeal Ref: APP/F0114/W/17/3172583

Basement Flat, 6 Walcot Buildings, Bath BA1 6AD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms Stephanie Dooley against the decision of Bath & North East Somerset Council.
 - The application Ref 16/05395/FUL, dated 3 November 2016, was refused by notice dated 13 January 2017.
 - The development proposed is to split the existing basement flat into two separate dwellings. The basement flat is currently arranged to be lived in as two independent units. Subsequently, no alterations to the design or layout of the building would be required.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The description in the application differs from that shown in the Council's decision notice. I have used the simpler form used by the Council as it accurately reflects what is before me, namely the subdivision of the existing basement flat to form two dwellings.
3. The Council has also pointed out that the extension at basement level to the rear of the property might be unauthorised. Whilst this might be so, I am required to have regard to what is presently before me and to the reasons set out in the Council's decision notice.

Main Issues

4. No.6 Walcot Buildings is part of a terrace that dates from the late 18th Century. The terrace is a Grade II listed building. In that context, the first main issue is the effect of the proposals on the special architectural and historic interest (and significance) of the listed building (a designated heritage asset). It is also noteworthy that the terrace stands within the Bath Conservation Area and World Heritage Site. The second issue is whether the proposal would be harmful to the living conditions of occupiers of existing residential properties.

Reasons

Character and appearance

5. The proposal would see the utilisation of an as-built existing single storey extension to form a separate additional dwelling unit in addition to the
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basement flat. The extension is already separated in physical layout terms with only a lobby linking the extension to the existing basement accommodation. The two units would provide a two bedroom flat within the original property and a single bedroom flat within the extension. From my analysis, the development as proposed could be carried out without harm to the special architectural or historic interest of the listed building, the wider conservation area, or World Heritage Site (WHS).

6. Although the extension already provides the opportunity for a degree of self-containment, the Council's concern that its conversion to form an additional dwelling unit would fail to follow the character and grain of development in the immediate area is based on the fact that the rear of properties comprise pleasant rear gardens that gently fall towards the River Avon. I found that the immediate vicinity to the appeal site has the open and quiet character normally associated with gardens. The lack of outbuildings, garages and driveways to the rear accentuates the quiet character that I have identified.
7. In this context, the introduction of an additional separate dwelling would undoubtedly bring about a greater level of domestic activity than exists at present. Such activity including the regular comings and goings, playing or socialising in the garden, and general evening/night time activity and associated noise and lighting, would fundamentally change the quiet ambience of a peaceful rear gardens along the river.
8. Whilst I have not identified any harm to heritage assets, the introduction of a more intensive use of the appeal property by the addition of another dwelling unit would give rise to unacceptable harm to the character and appearance of the area and as a result would fail to accord with Bath and North East Somerset Local Plan (Local Plan) Policies D2 and D4 which amongst other things, combine to ensure that new developments are of high design quality that respects the local context and townscape character.

Living conditions – future occupiers

9. I have given consideration to the size of the rear garden area and the subdivision to form an attractive patio area and garden for occupiers. Moreover, the second dwelling would provide modest one bedroom accommodation that would be most suited to single persons or couples without children.
10. On this basis the proposal would comply with the requirements with the saved Local Plan Policy D2 that seeks to prevent unacceptable harm to the amenities of existing or proposed occupiers amongst other matters. However, my finding in favour of the proposal on this issue does not offset the harm that I have identified in relation to the effect of the proposal on the character and appearance of the area.

Conclusion

11. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Gareth W Thomas

INSPECTOR